IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Writ Petition No.485 of 2007 (M/B)

1. Ashok Saini S/o Sri Ram Singh Saini,
   R/o Bahadur Khadar, Laksar,
   Haridwar.
2. Praveen Giri S/o Sri Kanchi,
   R/o Avas Vikas Ranipur Mode,
   Haridwar. …….. Petitioners

Versus

1. State of Uttarakhand,
   through Senior Superintendent of Police,
   Haridwar, District Haridwar.
2. Station House Officer,
   Kankhal,
   District Haridwar.
3. Sunil Chand S/o Sri Satish Chandra,
   R/o Holi Chouk, Kankhal,
   P.S. Kankhal, District Haridwar. ……. Respondents

Mr. Ajay Veer Pundir, Advocate for the petitioners.
Mr. Prabhakar Joshi, Brief Holder for respondents Nos. 1 & 2.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. Ajay Veer Pundir, Advocate for the petitioners.

Mr. Prabhakar Joshi, Brief Holder for respondents Nos. 1 and 2.

They are heard on admission.

2. Police Case Diary perused.

3. Petitioners Ashok Saini and Praveen Giri have filed this writ petition for the following reliefs:

> "i) issue a writ, order or direction in the nature of certiorari quashing the FIR dated 27.4.2007 in case crime no. 87/07 U/s 379, 386 IPC lodged at P.S. Kankhal, District Haridwar, contained annexure no. 1 to this writ petition.

ii) issue a writ, order or direction in the nature of mandamus commanding / directing the respondent Nos. 1 and 2 not to arrest the petitioners in the aforesaid case crime.

iii) issue any other relief, which this Hon'ble Court may deem fit and proper in the circumstances of the case be passed in favour of petitioners.

iv) cost of the petition be awarded in favour of the petitioners."

4. The petitioners are seeking quashing of the First Information Report lodged by respondent No. 3 Sunil Chand leading to the registration of the case against the petitioners at Crime No. 87 of 2007 at Police Station Kankhal, District Haridwar for the alleged commission of the offences punishable under Section 379 and 386 of the I.P.C.

5. On due consideration of the submissions of the learned counsel for the parties; the contents of the First Information Report lodged by respondent No. 3 Sunil Chand; and the material available in the police case diary, we do not find any ground warranting quashing of the First Information Report and the case registered against the petitioners in view of the dictum of the Apex Court in the case of **T. Vengama Naidu Vs. T. Dora Swamy Naidu & others** reported in **JT 2007(4) SC 240.**

6. We are refraining from commenting on the merits of the case lest it may adversely affect the petitioners' case at the trial, which the petitioners are yet to face.

7. The writ petition, therefore, is liable to de dismissed and is hereby dismissed summarily.

(J.C.S. Rawat, J.) 08.05.2007

(Raveej Gupta, C.J.) 08.05.2007

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